

**EEOC Charges**

**The following is the initial inquiry in the EEOC Charge procedure:**

**From the EEOC Inquiry:****Adverse Actions:**

Use of Investigative Process to Retaliate, Harass, Intimidate and Defame;  
Responsive to Protected Whistleblowing on behalf of Special Education Students.

On 3/17/2019, I submit a formal State Special Education Complaint and Therapist's Compliance Audit, to NYSED, SEQA (New York State Education Department, Special Education Quality Assurance). On May 17, 2019, NYSED SEQA issued Decisions, findings, and CAPs (Corrective Action Plans), which validated my original complaint. NYCDOE immediately retaliated by filing a secret complaint against me. On 4/30/2019 OSI ordered me to appear, and told me I could not have an attorney. SCI refused to validate my Protected Whistleblower status, violating the SCI official mission, to protect Whistleblowers.

**Note:** As I have been intentionally denied knowledge of and access about actions against me, there are large discrepancies, of over many years, between the dates given on when facts were revealed; versus when the actions occurred. Time limits can be subject to Equitable tolling when, as in this case, a person is intentionally deprived of knowledge of facts.

This Complainant has successfully filed State Special Education Complaints, to the New York State Department of Education, Special Education Quality Assurance (NYSED SEQA), which investigated, and which were followed by significant Corrective Action Plans (CAP); with no personal gain, due to occupational therapists not being compensated for so assisting students and parents.

**Formal State Special Education Complaints made to the New York State Education Department:** **[NYSED SEQA]**

Date Filed Date Validated / Decision & CAPs Issued

**Years 2014-2015**

August 11, 2014	October 9, 2014
October 22, 2014	December 17, 2014
October 31, 2014	December 30, 2014
January 16, 2015	March 16, 2015

**Year 2019**

March 19, 2019	May 17, 2019
July 11, 2019	September 9, 2019

This history alone, having successfully submit and received validation, on six State Special Education Complaints; establishes assumed "causal" relationships with subsequent NYCDOE actions.

That has not been the limit of my advocacy and petitioning on behalf of special education students, their parents, Medicaid Compliance, for program & professional integrity, such as stopping the use of assessments which are invalid; for correcting the intentional falsification of student records,

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which is pervasive; and for proper supervision so that all occupational therapy services provided are focused and useful.

There has been extensive petitioning across all levels of NYC Schools, including to the current Chancellor and his 2 successors; and beyond, including the New York City Office of the Public Advocate, the Comptroller for New York City, and numerous advocacy groups.

## **Section II. Responses to Item 5.**

**Incident / Issue A. The following is the initial Inquiry in the EEOC Charge procedure:**

**From the EEOC Inquiry:**

Adverse Actions:

Use of Investigative Process to Retaliate, Harass, Intimidate and Defame;  
Responsive to Protected Whistleblowing on behalf of Special Education Students.

On 3/17/2019, I submit a formal State Special Education Complaint and Therapist's Compliance Audit, to NYSED, SEQA (New York State Education Department, Special Education Quality Assurance). On May 17, 2019, NYSED SEQA issued Decisions, findings, and CAPs (Corrective Action Plans), which validated my original complaint.

NYCDOE immediately retaliated by filing a secret complaint against me. On 4/30/2019 OSI ordered me to appear, and told me I could not have an attorney.

SCI refused to validate my Protected Whistleblower status, violating the SCI official mission, to protect Whistleblowers.

This is only one of continual retaliatory and discriminatory incidents over a seven year history.

**Personnel Involved in this and other discriminatory frauds:** [Partial Listing]

Ilene Altschul, Superintendent, Manhattan District 3

Joseph A. Baranello, Deputy Counsel & Chief Privacy Officer

Samantha Biletsky, Office of General Counsel, Office of Ethics & Conflicts of Interest

Biscogna, Michael – SCI Chief Investigator

Richard S. Carranza, Chancellor

Anastasia Coleman, Commissioner of the Special Commission for Investigations (SCI)

Suzanne Epstein, Director of Non-Compliance, Office of Related Services ORS

Howard Friedman, General Counsel

Toni Gantz, Executive Deputy Counsel, Employment & General Practice

Jaime Kraybill, Esq., Executive Director, Special Education Policy

Ilene Lees, Director, Office of Special Investigations OSI

Josh Morgenstern, Esq., Impartial Hearing Order Implementation Unit; Sr. Adviser of Policy and Strategy; Division of Specialized Instruction and Student Support

Christine Novak, OSI Deputy Director

Katherine G. Rodi, Esq., Executive Director, Office of Employee Relations

Suzanne Sanchez, Senior Director, Therapeutic Services

Daniel Schlachet, First Deputy Commissioner, SCI

Amy Schrank, NYC DOE, former Manhattan District 4 & 6 Occupational Therapy Supervisor

Henry Bluestone Smith, Chief of Staff, Office of General Counsel

Michael van Biema, Executive Director, Office of Related Services

Jaclyn Vargas, former OSI Director

Darnell Young, Director, Occupational Therapy, former Supervisor Manhattan District 6

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**Incident / Issue B. By Letter dated May 30, 2019, and from June 22, 2018 through to the current date – Anastasia Coleman, Commissioner of the Special Commission for Investigations (SCI), and Daniel Schlachet, First Deputy Commissioner; Richard A. Carranza, Chancellor, who knew of and failed to act and/or who actively participated; defrauded me of Protected Whistleblower status; defrauded me of employment rights; supported the illegal use of Blacklisting and discriminatory removal of clearance; violated the SCI Missions to protect and encourage Whistleblowers, and to investigate fraud and enforce Medicaid Compliance; and by so doing violated EEOC laws, including those related to ADA, the Rehab. Act, as well as NYCHRL, NYSLL 741, Protection of Health Care Whistleblowers.**

Other parties who participated in these frauds: Baranello, Biscogna, Epstein, Friedman, Gantz, Kraybill, Ilene Lees, Director, OSI, Morgenstern, Novak, Rodi, Sanchez, Bluestone Smith, van Biema, Vargas, Young

**Incident / Issue C. March 26, 2019 through the current date, and from June 28, 2018 to the current date. Defrauding me of my Clearance to work in June 2018; Discriminatory and harassing Complaints being allowed against my future work; by Ilene Lees, OSI Director and Christine Novak, Deputy Director, in 2019;** as well as former OSI Director Jaclyn Vargas in July, 2018; Richard S. Carranza, Chancellor, who knew of and failed to act and/or who actively participated in these failures to act according to Federal, State and Local laws pertaining to protection of Whistleblowers, and EEOC / ADA / Rehabilitation Act, Noninterference with assistance for children with disabilities; in orchestration with Suzanne Epstein, Director, Compliance & Contract Management, Office of Related Services, Friedman, van Biema; and Kate Witzke, Principal, Sarah Anderson School, Manhattan PS 9, or 03M009; and Ms. Cullen, a Grade 2 teacher at PS 9, who stole notices sent home to parents, to help them obtain services for their children, from student backpacks; therein directly obstructing service provision; and for which they covered up their actions.

Additional Parties who participated in these frauds: Baranello, Anastasia Coleman, Commissioner, Gantz, Kraybill, Morgenstern, Rodi, Sanchez, Bluestone Smith

**Incident / Issue D. By a letter dated June 27, 2019, and to the current date - Henry Bluestone Smith, Chief of Staff, Office of General Counsel & General Counsel Howard Friedman;** Richard S. Carranza, Chancellor, who knew of and failed to act and/or who actively participated; **participated in the orchestration of discriminatory frauds, to defraud me of protected Whistleblower status and protection; to defraud me of reinstatement of my illegally removed clearance to work; in composing and sending a letter of false and fraudulent statements and claims; intended to intimidate and harass.**

Additional parties who participated in these frauds: Baranello, Anastasia Coleman, Commissioner, Epstein, Friedman, Gantz, Kraybill, Ilene Lees, Director, OSI, Morgenstern, Novak, Rodi, Sanchez, Schlachet, van Biema

**Incident / Issue E. January, 2019 through the current date – Joseph A. Baranello, Deputy Counsel & Chief Privacy Officer, who supervises the FOIL Unit; Participated in and enabled the frauds, by refusing to timely and completely provide documents requested, starting January 25, 2019;** and which were done with the encouragement and support of General Counsel Howard Friedman, and by OSI's Lees, Nowak, and Office of Related Services Director Michael Van Biema and Director of Non-Compliance, Suzanne Epstein; Richard S. Carranza, Chancellor,

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who knew of and failed to act and/or who actively participated; in the furtherance of their discriminatory and retaliatory schemes.

Additional Parties who participated in these frauds: Anastasia Coleman, Commissioner, Epstein, Gantz, Kraybill, Lees, Morgenstern, Novak, Rodi, Sanchez, Schlachet, van Biema

**Incident / Issue F: September 24, 2012, Initial Instance of Illegal Retaliation & Discrimination - September 2012 Reversal of Hiring Decision. Party: Amy Schrank, NYC DOE, Manhattan District 4 & 6 Occupational Therapy Supervisor;** Sanctioned and/or directed by Michael van Biema, Director, Related Services, or other high level administrators.

Additional Parties involved in that fraud, and others in the following year: Sanchez, Young

**Incident / Issue G: Past and Now Ongoing Discriminatory Retaliation, Prolonged and Pervasive Substandard Working Conditions; Employee Misclassification = No Due Process, Impoverishment & Forced Early Retirement. Monetary Impacts of Discrimination  
NYCDOE Employee ID # 5710077**

**Shortened School Year, November, 2017 – June 26, 2018, Net Income \$19,103.00.**

Parties involved: Joseph A. Baranello, Deputy Counsel & Chief Privacy Officer; Anastasia Coleman, Commissioner of the Special Commission for Investigations (SCI); Suzanne Epstein, Director of Non-Compliance, Office of Related Services ORS; Howard Friedman, General Counsel; Ilene Lees, OSI Director ; Christine Novak, OSI Deputy Director; Katherine Rodi, Executive Director, Office of Employee Relations; Daniel Schlachet, First Deputy Commissioner, SCI; Michael van Biema, Director, Office of Related Services ORS; Jaclyn Vargas, former OSI Director; Henry Bluestone Smith, Chief of Staff, Office of General Counsel; and Richard S. Carranza, Chancellor, who knew of and failed to act and/or who actively participated.

Additional Parties who participated in the frauds, discrimination and harassment: Gantz, Kraybill, Lees, Morgenstern, Novak, Sanchez, Young